

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant:	Qian, Richard et al.	Group Art Unit:	2611
Serial No.:	09/455,964	Examiner:	Huynh, Son P.
Filed:	December 6, 1999		
Title:	METHOD OF CREATING A SEMANTIC VIDEO SUMMARY USING INFORMATION FROM SECONDARY SOURCES		

LETTER TO THE EXAMINER

Chernoff Vilhauer McClung & Stenzel, LLP
601 SW Second Avenue
Suite 1600
Portland, Oregon 97204-3157

November 5, 2008

Mail Stop APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Attached is a corrected brief that responds to the Notice of Non-Compliant Appeal Brief (Notice) mailed on October 6, 2008. That Notice contends that the previously submitted brief failed to conform to the requirements for an appeal brief with respect to the Summary of Claimed Subject Matter. Specifically, the Notice alleges that the previously-filed brief did not “contain a concise explanation of the subject matter” of claims 7, 11, and 12, simply because the paragraphs specifically devoted to those respective claims did not identify all the claim limitations in each respective claim, referencing each limitation to portions of the specification that describe the limitation. This objection was made despite the fact that the appeal brief did contain a concise explanation of subject matter common to all the independent claims, and further described with respect to each individual independent claim, those limitations unique to the respective independent claim.

The objection to the applicant's earlier submission has no basis in the Code of Federal Regulations, which only requires that the applicant concisely summarize the subject matter claimed in each independent claim, and noting the portions of the drawings disclosing the limitations summarized. Nothing in the Code of Federal Regulations prescribes a particular format for the concise summary, nor do those regulations prohibit an applicant from initially summarizing the subject matter commonly claimed in all independent claims, and then describing with respect to each independent claim those limitations unique to the particular claim. In fact, this latter format is more concise than the format advocated by the Examiner.

Nonetheless, the applicant has provided a corrected appeal brief that addresses the objections raised in the Notice.

Respectively submitted,

November 5, 2008

Date


Kurt Rohlf
Reg. No. 54,405